

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**JADE BARNHART, AS
REPRESENTATIVE OF THE ESTATE
OF BRYAN HARPER**
Plaintiff,

v.

BRENT STROMAN, ET AL,
Defendants.

A-17-CV-00465-ADA

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske. ECF No. 55. The report recommends the Defendants Frost and Schwartz's Motion to Dismiss (ECF No. 28); Defendants Chavez, Lanning, Rogers, Stroman, Swanton, and City of Waco's Motion to Dismiss (ECF No. 29); Defendant Reyna's Motion to Dismiss (ECF No. 30); Defendant McLennan County's Motion to Dismiss (ECF No. 31); and the City of Waco's Motion to Supplement its Motion to Dismiss (ECF No. 52) be **GRANTED**. The report and recommendation was filed on July 30th, 2024.


A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]ivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiff Jade Barnhart filed objections on August 13, 2024. ECF No. 57. The Court has conducted a *de novo* review of the Motion, the responses, the report and recommendation, the objections to the report and recommendation, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Jeffrey C. Manske., ECF No. 55, is **ADOPTED**.

IT IS FURTHER ORDERED that that Defendants Frost and Schwartz's Motion to Dismiss (ECF No. 28); Defendants Chavez, Lanning, Rogers, Stroman, Swanton, and City of Waco's Motion to Dismiss (ECF No. 29); Defendant Reyna's Motion to Dismiss (ECF No. 30); Defendant McLennan County's Motion to Dismiss (ECF No. 31); and the City of Waco's Motion to Supplement its Motion to Dismiss (ECF No. 52) are **GRANTED** and that Plaintiff's lawsuit is hereby **DISMISSED**.

SIGNED this 28th day of August, 2024.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE